

ESTTA Tracking number: **ESTTA514796**Filing date: **01/08/2013**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Lafco Enterprises Inc.		
Entity	Corporation	Citizenship	New York
Address	285 Lafayette Street New York, NY 10012 UNITED STATES		

Attorney information	Karin Segall Leason Ellis LLP One Barker Avenue - Fifth Floor White Plains, NY 10012 UNITED STATES tmdocket@leasonellis.com, segall@leasonellis.com Phone: 914.821.9072
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Registration Subject to Cancellation

Registration No	2007211	Registration date	10/08/1996
Registrant	BANANA REPUBLIC (APPAREL) LLC 900 CHERRY AVENUE SAN BRUNO, CA 94066 UNITED STATES		

Goods/Services Subject to CancellationClass 004. First Use: 1995/11/02 First Use In Commerce: 1995/11/02
All goods and services in the class are cancelled, namely: aromatic candles**Grounds for Cancellation**

Abandonment	Trademark Act section 14
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Attachments	beachhouse-cancel.pdf (4 pages)(16443 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/karinsegall/
Name	Karin Segall
Date	01/08/2013

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Registration No. 2007211
Registered October 8, 1996

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LAFCO ENTERPRISES INC.,	:	
	:	
Petitioner,	:	
	:	
v.	:	
	:	
BANANA REPUBLIC (APPAREL), LLC,	:	
	:	
Registrant.	:	
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PETITION FOR CANCELLATION

Lafco Enterprises Inc. (“Petitioner”), a corporation organized and existing under the laws of New York, having an address at 285 Lafayette Street, New York, New York 10012, believes that it will be damaged by the continued existence of Registration No. 2007211 of the mark BEACH HOUSE, issued October 8, 1996, in the name of Banana Republic (Apparel), LLC (“Registrant”), a limited liability company organized under the laws of California with an address of 2 Folsom Street, San Francisco, California, and therefore petitions to cancel the same.

As grounds for its cancellation, Petitioner, by its attorneys Leason Ellis LLP, alleges as follows:

FACTS

1. Petitioner sells luxury scented candles and related products.
2. On April 30, 2012, Petitioner applied under Serial No. 85611630 (the “Application”) to register the mark BEACH HOUSE for use with “Reeds and scented oils sold as a unit for use in room scent diffusers; Scented ceramic stones; Scented room sprays and Candles.”

3. Petitioner has used the BEACH HOUSE mark in connection with candles since at least as early as July 2008.

4. On information and belief, on October 8, 1996, U.S. Reg. No. 2007211 (the “Registration”) issued to Registrant, covering the mark BEACH HOUSE for use with “aromatic candles” (the “Goods”).

5. On August 20, 2012, the PTO refused registration to the Application under Lanham Action Section 2(d) on the ground of alleged likelihood of confusion with the mark covered by the Registration.

6. The Registration is thus causing damage to Petitioner as it is preventing the Application from issuing to registration.

7. Registrant has previously failed to maintain registrations covering the mark BEACH HOUSE, respectively for soap (Reg. No. 2740380) and for incense and air freshener (Reg. No. 2026109).

8. On information and belief, Registrant is not using the mark covered by the Registration.

9. On information and belief, Registrant has not used the mark covered by the Registration for a period of three years.

10. On information and belief, Registrant has ceased use of the mark without any intent to resume use.

11. On information and belief, Registrant has abandoned the mark covered by the Registration such that the Registration should be cancelled pursuant to 15 U.S.C. §1064(c).

WHEREFORE, it is respectfully requested that this cancellation action be sustained and that Registration No. 2007211 be cancelled.

Date: January 8, 2013
White Plains, New York

Respectfully submitted,

/karinsegall/
Karin Segall
LEASON ELLIS LLP
One Barker Avenue – Fifth Floor
White Plains, New York 10601
Tel.: (914) 821-9072

Attorneys for Petitioner

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing **PETITION FOR CANCELLATION** was served upon the Registrant this 8th day of January 2013, by First-Class mail, postage prepaid, addressed as follows:

Banana Republic (Apparel), LLC
2 Folsom Street
San Francisco, CA 94105

_____/sergeylsenko/
Sergey Lysenko